

In the United States Court of Federal Claims

No. 19-1796C

(E-filed: October 13, 2020)

AMAZON WEB SERVICES, INC.,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant,)
)
and)
)
MICROSOFT CORP.,)
)
Intervenor-defendant.)

ORDER

Currently before the court are defendant's unopposed motion to complete the administrative record (AR)¹ and to correct the AR, ECF No. 230; and, the parties' joint status report, ECF No. 231, both filed on October 12, 2020. The court shall address each filing in turn.

Defendant attached to its unopposed motion the documents "generated during the debriefing" process which ended on October 9, 2020 that it requests to file to complete the AR. See ECF No. 230; ECF No. 230-3. Those documents are heavily redacted despite being filed under seal. See id. The court will not file redacted documents as part of the AR absent a sufficient explanation, and defendant's motion does not offer any reason for the redactions. As such, defendant's motion is denied in part as to its request

¹ In the court's September 28, 2020 order, it directed defendant to file a motion to complete the administrative record (AR). See ECF No. 228. The clerk's office has informed chambers that this motion should be filed as a motion to supplement the AR, rather than a motion to complete the AR.

to supplement the AR, and defendant may file a renewed motion to supplement attaching unredacted copies of the proposed AR documents.

Defendant also seeks leave to file corrected versions of two sections of the AR— Tabs 665 and 681—to address formatting issues with the originally filed versions. See ECF No. 230 at 2. The court will grant this part of defendant’s motion, but will not direct defendant to file the corrected AR Tabs until it rules on its renewed motion to complete the AR.

Pursuant to the court’s September 28, 2020 order, the parties also filed a joint status report. See ECF 231. Therein, the parties offer an expedited schedule for the resolution of this bid protest matter. The parties’ proposed briefing schedule includes deadlines for filing: (1) an amended complaint, (2) renewed motions to dismiss, (3) plaintiff’s renewed motion to complete and/or supplement the AR and for discovery, (4) motions for judgment on the AR, and (5) discovery, if needed. See id. at 2-3. The court appreciates the parties’ efforts to confer and agree upon a proposed schedule to resolve this matter. In the interest of proper case management and the efficient use of judicial resources, however, the court will resolve motions to dismiss before setting a briefing schedule to address plaintiff’s renewed motion to complete and/or supplement the AR and for discovery, or motions for judgment on the AR.

Accordingly:

- (1) Defendant’s unopposed motion to complete the AR, ECF No. 230, is **DENIED in part** as to the request to complete the AR, and **GRANTED in part** as to the request to correct the AR;
- (2) On or before **October 15, 2020**, defendant is directed to **FILE** a **motion to supplement the AR** attaching unredacted copies of the documents it proposes to add to the AR;
- (3) On or before **October 23, 2020**, plaintiff shall **FILE** its **amended complaint**;
- (4) On or before **November 6, 2020**, defendant and intervenor-defendant are directed to **FILE** their **renewed motions to dismiss**;
- (5) On or before **November 20, 2020**, plaintiff shall **FILE** its **response** to the renewed motions to dismiss; and
- (6) On or before **December 1, 2020**, the defendant and intervenor-defendant shall **FILE** their **replies** in support of their renewed motions to dismiss.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge